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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,845	08/21/2001	Bartel Marinus Van De Sluis	2167.003US1	7423

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EXAMINER

BARQADLE, YASIN M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,845

Applicant(s)

VAN DE SLUIS, BARTEL
MARINUS

Examiner

Yasin M. Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) 2-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/05</u> | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 21, 2005 has been entered.

Response to Amendment

2. The amendment filed on November 21, 2005 has been fully considered but are moot in view of the new grounds of rejection.

- Claims 2-8 have been canceled.
- Claims 1,9-14 are presented for examination

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy et al (6505160) in view of Herz et al USPN. (20010014868).

As per claim 1, Levy et al teach a method of enhancing rendering of a content item (fig. 1), comprising receiving a portion of the content item from a client system (col. 6, lines 29-37, col. 7, lines 3-10 and col. 12, lines 16-62), processing the received portion to obtain an identifier for the content item (col. 6, lines 43-54 and col. 12, lines 62 to col. 13, line 15), obtaining further information on the content item using the identifier (col. 4, lines 40-56 and col. 12, lines 62 to col. 13, line 15), and transmitting the further information to the

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client system [col. 5, lines 11-54 and col. 12, lines 62 to col. 13, line 15. see also col. 14, lines 15-24].

Although Levy et al shows substantial features of the claimed invention including returning a web page of information about the object and links actions such as buying and downloading related music col. 13, lines 42 to col. 14, line 9), he does not explicitly show an offer to sell a further content item related to the content item.

Nonetheless, this feature is well known in the art and would have been an obvious modification of the system disclosed by Levy et al, as evidenced by Herz et al USPN. (20010014868).

In analogous art, Herz et al whose invention is a system for tracking the behavior of online shoppers by accumulating extensive profiles of the shoppers and the offers that they consider. The system customizes prices and promotions, automatically constructing product offers tailored to individual shoppers (abstract), discloses offering promotions to a shopper on related purchases such as when the shopper purchases item A, the system offers a coupon on related item B (§ 266-267 and § 279). Giving the teaching of Herz et al, a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Levy et al by employing the system for the automatic determination of customized prices and

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promotions of Herz because this will enable vendors to maximize their profit margin and to help shoppers become informed about available offers (abstract and ¶ 4 and ¶24).

As per claim 9, Levy et al teach a server system (fig. 1, server 1) arranged for facilitating enhanced rendering of a content item [¶ 22-24], comprising receiving means for receiving a portion of the content item from a client system (col. 6, lines 29-37, col. 7, lines 3-10 and col. 12, lines 16-62), processing means for processing the received portion to obtain an identifier for the content item col. 6, lines 43-54 and col. 12, lines 62 to col. 13, line 15), lookup means for obtaining further information on the content item using the identifier (col. 4, lines 41-67 and col. 13, lines 50-66), and for transmitting the further information to the client system [col. 5, lines 11-54 and col. 12, lines 62 to col. 13, line 15. see also col. 14, lines 15-24].

As to the limitation of an offer to sell a further content item related to the item (see the rejection on claim 1 above).

As per claim 10, Levy et al teach the server system of claim 9, the processing means being arranged for computing a hash value for the received portion of the content item, the identifier

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comprising the computed hash value [col. 6, lines 3-28 and col. 9, lines 42-61].

As per claim 11, this claim includes similar limitations as claims 1 and 9. Therefore, it is rejected with the same rational.

As per claim 12, Levy et al teach the method of claim 11, wherein the receiving comprises the acts of:

receiving at the client system the electronic content item col. 5, lines 11-54 and col. 12, lines 62 to col. 13, line 15. See also col. 14, lines 15-24); and

transmitting to the server system a portion of the electronic content item (col. 6, lines 29-37, col. 7, lines 3-10 and col. 12, lines 16-62).

As per claim 13, Levy et al teach the method of claim 11, where the processing comprises the act of:

calculating a hash of the content item and determining the identifier from the hash of the content item [col. 6, lines 3-28 and col. 9, lines 42-61].

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As per claim 14, Levy et al teach the method of claim 11, where the processing comprises the act of:

extracting a watermark from the content item and determining the identifier from the watermark [col. 12, lines 30-50 and col. 9, lines 62 to col. 10 line 17].

Conclusion

4. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

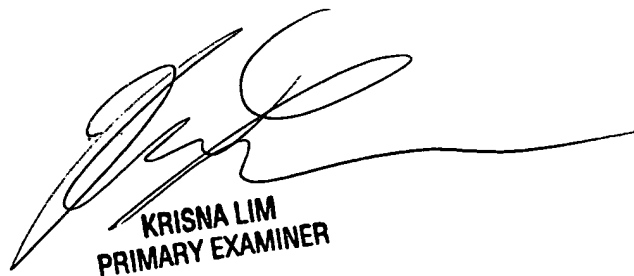
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

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KRISNA LIM
PRIMARY EXAMINER